

Act repealed. SEC. 10. All acts and parts of acts inconsistent with this act are hereby repealed.

Shall continue in force. SEC. 11. This act shall continue in force for fifteen years, but may be altered or amended by the Legislative Assembly of this Territory at any time after five years of the date of its passage.

J. W. FURBER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

APPROVED—March seventh, one thousand eight hundred and fifty-seven.

W. A. GORMAN.

SECRETARY'S OFFICE, MINNESOTA, }
SAINT PAUL, March 10, 1857. }

I certify the above to be a true copy of the original on file in this office.

J. J. McCULLOUGH,

Acting Secretary.

CHAPTER VI.

An Act to authorize the construction of a Mill Dam or Dams in Township No. one hundred two, (102), north of Range No. twenty-one, (21), and Townships No. one hundred two, (102), and one hundred three, (103), north of Range No. twenty-two, (22), all west of the fifth principal Meridian.

- SECTION 1. Authorize to erect Dam.
2. To raise the water—sell—lease. &c.
3. Damages.
4. Determined by Jury.
5. Exemplary Damages.
6. Judgment to be a lien.
7. Discharge of Judgement.
8. The Remedy exclusive.
9. Forfeiture for neglect.
10. A Public Act.
11. To take effect.

Be it enacted by the Legislative Assembly of the Territory of Minnesota :

Authorized to erect Dams. SECTION 1. George S. Ruble, his associates, successors, heirs and assigns are hereby authorized to erect and maintain a Dam across the outlet of Fountain Lake, (so called,) on any land they or either of them may now or hereafter own on section No. nine (9) in township No. one hundred and two (102) north of range No. twenty-one (21) west of the fifth principal meridian; also a dam across the outlet of

Pickere Lake (so called), on any land which they or either of them may now or hereafter own on section No. twelve and thirteen (12 & 13), or either of them, in township No. one hundred and two (102) north of range No. twenty-two (22) west of the meridian aforesaid; also, a dam across the outlet of the lake situated on sections No. thirty-six (36) in township No. one hundred and three (103) north of range No. twenty-two (22) west of the meridian aforesaid, on any land which they or either of them may now or hereafter own on said section No. thirty-six (36), or any section adjoining said section No. thirty-six (36): *Provided*, however, that said dam or dams shall be so constructed as not to interfere with any water privilege now improved above the outlet of said Fountain Lake, and *provided, further*, that the amount of land overflowed by means of said dams, without the consent of the owners of such lands, shall not exceed three hundred acres.

SEC. 2. The said George S. Ruble, his associates, successors, heirs and assigns, are hereby authorized to raise the water running from said lakes by means of said dams, and to make use of such water for propelling any kind of machinery they may see fit to erect, and to sell or lease the right to use said water or any part thereof to any person or persons whomsoever. To raise the water.

SEC. 3. In case the raising of the water by means of the dams aforesaid or either of them shall damage any land not owned by the said George S. Ruble, his associates, successors, heirs or assigns, nor damage by the consent of the owner or owners thereof, then the owner or owners of such land shall recover of the said George S. Ruble, his associates, successors, heirs or assigns, compensation for all damages occasioned by raising the water as aforesaid and by maintaining said dam or dams forever. Damages.

SEC. 4. Such damages shall be determined by the verdict of a jury in an action brought in any court of record having jurisdiction of civil actions, and at the request of either party the jury shall take a view of the premises under order of the court. Determined by Jury.

SEC. 5. In such action no exemplary or vindictive damages shall be allowed; but if judgment shall be rendered for the plaintiff, the court shall have power at its discretion to award to the plaintiff extra cost in addition to the cost ordinarily taxable. Exemplary Damages.

SEC. 6. Judgment shall be rendered and execution issued in such action as in ordinary actions and injuries to real estate, and such judgment shall from the time of docketing the same become a lien upon the dam occasioning the injury, the water privilege thereby created, the mills furnished with water from said dam, the sites of such mills, and all machinery in said mills contained, by whomsoever the same may be owned or possessed. Judgment to be a lien.

SEC. 7. Upon payment and discharge of any such judgment the said George S. Ruble, his associates, successors, Discharge of Judgment.

heirs and assigns, (as against the party recovering such judgment, his heirs and assigns,) shall enjoy forever the right to keep up and maintain the dam or dams respecting which such judgment was rendered, and raise the water by means thereof.

Remedy Ex-
clusive. SEC. 8. The remedy provided by this act for the injuries to lands overflowed by the dam or dams aforesaid shall be exclusive of all other remedies of whatever nature.

Forfeiture. SEC. 9. If the said George S. Ruble, his associates, successors, heirs and assigns, shall, for the space of eighteen months from and after the passage of this act unreasonably neglect to avail themselves of the privileges herein granted, the privileges so neglected shall be forfeited.

A Public Act. SEC. 10. This act is hereby declared to be a public act, and may be amended by any subsequent Legislative Assembly in any manner not destroying or impairing vested rights.

To take effect. SEC. 11. This Act shall take effect and be in force from and after its passage.

J. W. FURBER,
Speaker of the House of Representatives.
JOHN B. BRISBIN,
President of the Council.

APPROVED—February twenty-six, eighteen hundred and fifty-seven.
W. A. GORMAN.

SECRETARY'S OFFICE, MINNESOTA, }
SAINT PAUL, March 10, 1856. }

I certify the above to be a true copy of the original on file in this office.

J. J. McCULLOUGH,
Acting Secretary.

CHAPTER VII.

An Act to incorporate the Nininger, St. Peter and Western Railroad Company.

- SECTION 1. Incorporation—Privileges and Franchises.
2. Shall open Books—Organize.
3. Capital Stock—Shares.
4. Powers and Duties of Directors—Hold Meetings.
5. Survey and Locate Road.
6. Map and Profile to be filed.
7. Commence and Complete Road.
8. Mails to be Transported.
9. Right of Way—School Lands.
10. May take Additional Lands—Compensation.
11. Shall build Fence and Bridges.
12. Willful Obstruction—Injuries—Penalty.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

SECTION 1. That John Nininger, George B. Clitherall, G. O. Robertson, J. R. Case, Ignatius Donnelly, L. Faiver,